

RECEIVED
CENTRAL FAX CENTER

DEC 09 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Robert D. Freeman; Thomas E. Berg; David W. Niss; Peter J. Raymond

Assignee: DPHI Acquisitions, Inc.

Title: TILT FOCUS MECHANISM FOR AN OPTICAL DRIVE
(as amended)

Application No.: 09/815,377 Filing Date: March 21, 2001

Examiner: Julie Anne Watko Group Art Unit: 2653

Docket No.: M-8745-1P US Confirmation No.: 3940

Irvine, California
December 9, 2004Via Facsimile to (703) 872-9306

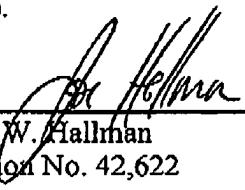
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following documents are being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

- 1) Request for Continued Examination (RCE) Transmittal (1 page);
- 2) FEE Transmittal (1 page); and
- 3) Petition for Extension of Time (1 page).

Dated: December 9, 2004


 Jonathan W. Hallinan
 Registration No. 42,622
Number of pages (including this sheet): 4

LAW OFFICES OF
MACPHERSON KWOK CHEN
& HEID LLP
1762 TECHNOLOGY DRIVE
SUITE 226
SAN JOSE, CA 95110
(408) 392-9262
FAX (408) 392-9262

MacPherson Kwok Chen & Heid LLP
1762 Technology Drive, Suite 226
San Jose, CA 95110
Telephone: (949) 752-7040
Fax: (408) 392-9262 and (949) 752-7049

Fax to USPTO

MacPherson Kwok Chen & Heid LLP

1762 Technology Drive, Suite 226

San Jose, CA 95110

Tel. (408) 392-9250

Fax (408) 392-9262

Email: mailbox@macpherson-kwok.com

2402 Michelson Drive, Suite 210

Irvine, CA 92612

Tel. (949) 752-7040

Fax (949) 752-7049

RECEIVED
CENTRAL FAX CENTER

December 9, 2004

DEC 09 2004

Via Facsimile to (703) 872-9306

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Applicant(s): Robert D. Freeman; Thomas E. Berg; David W. Niss; Peter J. Raymond
Assignee: DPHI Acquisitions, Inc.
Title: TILT FOCUS MECHANISM FOR AN OPTICAL DRIVE (as amended)
Application No.: 09/815,377 Filing Date: March 21, 2001
Examiner: Julie Anne Watko Group Art Unit: 2653
Docket No.: M-8745-1P US Confirmation No.: 3940

Dear Sir:

Transmitted herewith are the following documents in the above-identified application:

- (1) Certificate of Facsimile Transmission (1 page);
- (2) Request for Continued Examination (RCE) Transmittal (1 page);
- (3) This Fee Transmittal (1 page); and
- (4) Petition for Extension of Time (1 page).

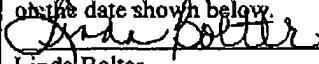
The fee has been calculated as shown below:

CLAIMS AS AMENDED

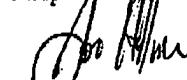
	Claims Remaining <u>After Amendment</u>		Highest No. Previously Paid For		Present <u>Extra</u>		<u>Rate</u>	<u>Additional Fee</u>
Total Claims	1	Minus	21	=	0	x \$ 25	\$	- 0 -
Independent Claims	1	Minus	3	=	0	x \$100	\$	- 0 -
<input checked="" type="checkbox"/> RCE Fee Under 37 CFR 1.17(e)							\$	395.00
<input checked="" type="checkbox"/> Extension of Time Fee (2 months) for Small Entity							\$	225.00

Total additional fee for this Filing:

- Conditional Petition for Extension of Time: If an extension of time is required for timely filing of the enclosed document(s) after all papers filed with this transmittal have been considered, an extension of time is hereby requested.
- Please charge our Deposit Account as indicated on the accompanying RCE Transmittal in the amount of \$ 620.00
- Also, charge any additional fees required and credit any overpayment to our Deposit Account No. 50-2257

Certification of Facsimile Transmission	
I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.	
 Linda Bolter	December 9, 2004 Date of Signature

Respectfully submitted,



Jonathan W. Halman
Attorney for Applicants
Reg. No. 42,622

PTO/SB/30 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<p style="margin: 0;">Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.</p> <p style="margin: 0; font-size: 1.5em;">Request for Continued Examination (RCE) Transmittal</p>		
<p style="margin: 0;">Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p>	Application Number	09/815,377
	Filing Date	March 21, 2001
	First Named Inventor	Robert David Freeman
	Art Unit	2653
	Examiner Name	Julie Anne Watko
	Attorney Docket Number	M-8745-1P US (4154-11.CIP)

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. Other _____

b. **Enclosed**

i. **Amendment/Reply** iii. **Information Disclosure Statement (IDS)**

ii. **Affidavit(s)/ Declaration(s)** iv. **Other**

2. Miscellaneous

b. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
b. Other _____

3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

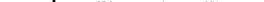
The Director is hereby authorized to charge the following fees, or credit any overpayments, to
a. Deposit Account No. 50-2257. I have enclosed a duplicate copy of this sheet.

- i. RCE fee required under 37 CFR 1.17(e)
- ii. Extension of time fee (37 CFR 1.136 and 1.17)
- iii. Other _____

b. Check in the amount of \$ _____ enclosed

c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Signature		Date	December 9, 2004
Name (Print/Type)	Jonathan W. Hallman	Registration No.	42 622

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Customer Signature

Name (Print/Type) Linda Bolter

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to be provided by the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 36 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.